

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EUGENE DUNCAN,

DEFAULT JUDGMENT

Plaintiff,

-against-

Civil Action No.:
1:19-cv-03582-JPO

METAMORPHOSIS DAY SPA, INC.,

Defendants.

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NOW THEREFORE, This action having been commenced on April 23, 2019 by the filing of the summons, civil cover sheet and complaint, and a copy of the same having been served through the secretary of state on May 17, 2019 and the Defendant not having answered the complaint, and the time for answering the complaint having expired, it is

ORDERED, ADJUDGED, AND DECREED: That the Plaintiff have judgment against the Defendants to:

- a. Remove their website WWW.METSPA.COM from public access on the world wide web.
- b. Cease operation of the website WWW.METSPA.COM until brought into compliance with the Americans With Disabilities Act, applying the WCAG 2.0 AA guidelines at a minimum, so that the website WWW.METSPA.COM are readily accessible to and usable by visually impaired individuals; and
- c. Institute a corporate policy that is reasonably calculated to cause its Website to become and remain accessible, including regularly check the accessibility of the Website under the WCAG 2.0 AA guidelines (monthly).

- d. Develop an accessibility policy that is clearly disclosed on Defendant's websites WWW.METSPA.COM with contact information for users to report accessibility-related problems and requires that any third-party vendors who participate on its website to be fully accessible to the disabled by conforming with WCAG 2.0 AA criteria.

Pursuant to 42 U.S.C. §12188, this Court is vested with the authority to grant the Plaintiff's injunctive relief; including an order to alter the website to make it accessible to, and useable by, individuals with disabilities to the extent required by the American with Disabilities Act ("ADA"), the New York City Human Rights Laws ("NYCHRL"), and the New York State Human Rights Law ("NYSHRL"), and take down the website until the requisite modifications are completed.

Further, that the Plaintiff be awarded be awarded, not less than, five hundred dollars (\$500) in compensatory damages based on the Defendant's violation of the NYCHRL and the NYSHRL; the Defendant to comply with the terms of the Final Judgment within sixty (60) days of the entry of judgment; and this Honorable Court retain jurisdiction relating to the Plaintiff's attorneys' fees and said motion shall be filed within ninety (90) days of entry of this Final Judgment.

Dated: New York, New York

U.S.D.J

This document was entered on the
docket on_____.